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4/13/93

Dear Dr. Artwohl,

Compared with what Harry Livingstone told me he will do in his coming High Trash 3 printing an autopsy picture upside down portrays reality.

Harry described two conspiracies to me and in some writing. The first was to kill JFK and the second was to prevent his "breaking the case wide open," thus protecting the members of the killing conspiracy.

He has me the newest of his ringleaders of the second conspiracy and part of the first one, too. Beginning about five years after that event!

Recently I learned that last year he tried to have an investigation made of me as the undefined "psyops" agent of some kind sicced on him.

I've heard that he has recently denounced you, too. Does he have you in either or both of his imagined conspiracies? If not, give him time!

The vehemence and number of his assaults on me have made me apprehensive about what he may be capable of. I also believe that when his contrivances, which may not be his alone, crumble, he may be even less under any control and may well be a greater danger.

As you probably know, I am not alone among his targets. I am the oldest, 80, and the frailest and in other ways also the most vulnerable.

Harry seems to have begun to feel his way toward his imagined conspiracies when he was not able to respond to my criticisms of his sick notion that the film was forged or toyed with. That notion did not originate with him.

His more vehement expression and innumerable threats seem to stem from his seeing for himself, in a source he should have consulted at the outset and did not study until after both of his High Trashes were commercial successes, that the back of the President's head was not blown out. This is clearly visible in the available slides of the Zapruder film following those published by the Commission. Daunted only temporarily, he now claims that the Zapruder film was altered by some of the innumerable members of his conspiracies.

Because it seems apparent that the Baltimore police internal "investigation" is not that at all and will do nothing, in an effort to protect myself and others to the degree that one can be protected from one removed from reality and simultaneously overwhelmed by his belief in his omniscience, I had an appointment yesterday with the local assistant state's attorney. She was taken suddenly ill. The appointment will be rescheduled when that is possible after her return. I intend to raise questions of Harry's criminal violations. I am not a ^{lawyer} lawyer but whatever else there may be in the Maryland code I think that Section 561 may well be. I enclose a copy I've highlighted.

In his multitudinous written denunciations Harry has, among other things, regularly

referred to himself as part of a criminal prosecution; as acting with and/or on behalf of the Baltimore police and the FBI; and he even alleged Maryland jurisdiction over federal property, the Bethesda naval hospital.

Aside from referring to several of us as criminals and criminal conspirators and about to be prosecuted, even by his publishers! he had used the foulest language, his vilest addressed to the one woman among us, Mrs. Mary Ferrell, in a letter that applies it to all of us.

I have obtained what copies of his diatribes I can when I am relatively immobile. I had intended to offer a selection of them to the local prosecutor yesterday. I will when she is able to see me. I write to ask if it is true that he wrote you on a Baltimore police letterhead and if it is true, if you will please let me have a copy to include in what I plan to deliver to the prosecutor when that is possible.

If you have any interest in what I have you are welcome to go over it and copy whatever you may want, subject only to the approval of those named by him in a few instances. Mrs. Ferrell, for example, may not want some of what he addressed to her used in public.

Aside from what protection may be possible for us, it is my hope that if and when this is before a judge he will order, or she will order, the treatment Harry so urgently requires. I paid no attention to it when he told me about it but he does have a medical history of this nature. As I recall he blamed that on having been a blue baby and on alleged medical malpractice. I believe this was not the apparent paranoia. He has manifested that to me on a number of occasions, once by phone telling he was about to be killed. That was, he said, from Maine. Allegedly from Canada he told me he had just been severely beaten.

He is a tragedy. He is not an authentic expert on the established fact of the JFK assassination. He theorizes, with most of the theories baseless when not ludicrous.

Like all who write in the field, he has always had access to the hundreds of thousands of pages of official records I obtained by a series of Freedom of Information lawsuits. Often as he has been here, despite my telling him three times that I wanted no more to do with him, he has never had any interest in using those records. He did send Richard Waybright here and Richard, like all others, had unsupervised access to the records and to our copier. I do not know what he copied for Harry but I do know that he stole ^{the} only copies of a critical analysis I made on Lifton's mistitled Best Evidence when it appeared along with the copies of Military District of Washington records disclosed to Lifton. I duplicated Lifton's request. Those records prove that in commercializing his theory Lifton knew it was false. I have reason believe that Waybright sold those records to Lifton. I had never made any use of them; nobody else ever had any interest in them, and as with other exploitations and commercializations, my interest was in making a record for history.

I had doubts about the seriousness of the police Internal Affairs supposed investigation from the first because when I told Detective Adams that I had many records helpful to him that he was welcome to, he did not say he would come to go over them, did not tell me he would like me to send what I thought might be helpful to him, and did not even tell me ~~how~~ how to mail anything to him.

When Waybright sent a number of us similar if not identical letters of much less than an apology, letters of transparent falsity, I believe that he had been told to do that so that the police could cover it all up, without any public embarrassment, by recording his alleged regrets and alleged apologies.

He even wrote us that he had gotten no pay at all from Harry but he also had earlier told us, including at least one person with the FBI, that the only reason he had any involvement with Livingstone was for the money. I have a copy of at least one of his letters dunning Harry for money along with many reflecting the true and improper if not illegal nature of the work he was doing.

These are some of the reasons I believe the police have wiped it all out in the manner they intended from the outset and there is no reason to hope for any help from it.

Thus I turned to local authorities. (I also sent copies of two letters to the postal inspectors.) I hope you will allow me to add what he wrote you and the fact that he misused the police letterhead in what I can give to the local prosecutor. I do think that can also serve his interest.

Sincerely,

Harold Weisberg

Apologies for my typing. It can't be any better.



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Effect of amendment. — The 1991 amendment, effective July 1, 1991, reenacted the section without change.

Editor's note. — Section 2, ch. 371, Acts 1991, provides that "there is no statute of limitations for a misdemeanor punishable by im-

prisonment in the penitentiary, notwithstanding any holding or dictum to the contrary in *Massey v. State*, 320 Md. 605, 579 A.2d 265 (1990)."

Cited in *Cole v. Secretary of State*, 249 Md. 425, 240 A.2d 272 (1968).

§ 560. In counties of State.

Any person convicted in any county of this State of the offense of being a common thief or common pickpocket shall be fined and imprisoned in the county jail for the same amount or time as provided in § 558, and the provisions of said section shall apply to this section, except so far as altered by this section. (An. Code, 1951, § 632; 1939, § 583; 1924, § 494; 1912, § 446; 1904, § 394; 1888, § 257; 1864, ch. 38; 1991, ch. 371.)

Effect of amendment. — The 1991 amendment, effective July 1, 1991, reenacted the section without change.

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THREATS AND THREATENING LETTERS

§ 561. Sending, delivering, etc., threatening letter, etc.

(a) *Prohibited.* — Except as provided in subsection (b) of this section, every person who shall knowingly send or deliver, or shall make, and, for the purpose of being delivered or sent, shall part with the possession of any letter or writing with or without a name subscribed thereto, or signed with a fictitious name, or with any letter, mark or other designation, threatening therein to accuse any person of any crime of an indictable nature under the laws of this State, or of anything, which, if true, would bring such person into contempt or disrepute or to do any injury to the person or property of anyone, with a view or intent to extort or gain any money, goods or chattels or other valuable thing shall be guilty of felony, and being convicted thereof shall be punished by imprisonment in the penitentiary for not less than two nor more than ten years.

(b) *Applicability of section to holders giving notice of dishonor.* — This section does not apply to any holder of an instrument who gives to the maker a bona fide reasonable notice of dishonor and warning of criminal prosecution under §§ 140 through 144 of this article. (An. Code, 1951, § 633; 1939, § 584; 1924, § 495; 1912, § 447; 1904, § 395; 1896, ch. 396, § 257A; 1986, ch. 738.)

Indictment. — Indictment under this section need not set out name of the person to whom the threatening letter was sent. Several counts in an indictment relating to same transaction were upheld. *Toomer v. State*, 112 Md. 263, 76 A. 115 (1910).

Ten-year sentence held not cruel and un-

usual punishment. — See *Toomer v. State*, 112 Md. 263, 76 A. 115 (1910).

Stated in *Greenbelt Coop. Publishing Ass'n v. Bresler*, 398 U.S. 6, 90 S. Ct. 1537, 26 L. Ed. 2d 6 (1970).

Cited in *Hanrahan v. Kelly*, 269 Md. 21, 305 A.2d 151 (1973).

§ 561A. Threats against State officials.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) (i) "State official" means a State official as defined in Article 40A, § 1-201 (hh) of the Code.

(ii) "State official" includes the Governor, Governor-elect, Lieutenant Governor, and Lieutenant Governor-elect.

(3) "Threat" includes

(i) A verbal threat; or

(ii) A threat in any written form, whether or not the writing is signed, or if it is signed whether or not the writing is signed with a fictitious name or any other mark.

(b) *Threats generally.* — A person may not knowingly and willfully make a threat to take the life of, kidnap, or inflict bodily harm upon a State official.

(c) *Sending or delivering threats.* — A person may not knowingly send, deliver, part with the possession of, or make for use purpose of sending or delivering a threat prohibited under subsection (b) of this section.

(d) *Penalties.* — A person who violates any provision of this section is guilty of a misdemeanor and upon conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$2,500 or both. (1989, ch. 477; 1990, ch. 6, § 2.)

Effect of amendment. — The 1990 amendment, approved Feb. 16, 1990, and effective from date of passage, substituted "§ 1-201 (hh)" for "§ 1-201 (gg)" in (a) (2) (i).

§ 562. Threatening verbally.

Every person who shall verbally threaten to accuse any person of any crime of an indictable nature under the laws of this State, or of anything, which, if true, would bring such person into contempt or disrepute, or to do any injury to the person or property of anyone, with a view to extort or gain any money, goods or chattels or any other valuable thing shall be guilty of felony, and being convicted thereof shall be punished by imprisonment in the penitentiary for not less than two nor more than ten years. (An. Code, 1951, § 634; 1939, § 585; 1924, § 495; 1912, § 448; 1904, § 396; 1896, ch. 396, § 257B.)

Threat is essential element. — It is clear that it is not required that money or other valuable thing be obtained. The essential element of the crime is the threat. If (1) the manner of threat is verbal; (2) the subject of the threat is to do any injury to the person or property of anyone; and (3) the making of the threat is with a view to extort or gain anything of value, the crime has been committed. No precise words are necessary to constitute such a threat. It may be innuendo or suggestion, and the circumstances under which it is uttered and the relations between the parties may be taken into consideration. *Lozzi v. State*, 5 Md. App. 415, 247 A.2d 758 (1968).

Threat to accused need not be made directly to person but may be made to his agents and employees. *Lenoir v. State*, 197 Md. 495, 80 A.2d 3 (1961).

"Blackmail" synonymous with "extortion". — The term "blackmail" is equivalent to and synonymous with "extortion." *Lozzi v. State*, 5 Md. App. 415, 247 A.2d 758 (1968); *Greenbelt Coop. Publishing Ass'n v. Bresler*, 253 Md. 334, 253 A.2d 755 (1969), rev'd on other grounds, 398 U.S. 6, 90 S. Ct. 1537, 26 L. Ed. 2d 6 (1970).

Taking of money or other property by putting owner in fear of personal injury constitutes robbery, and may, under appropriate